

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 23-10616

Caption: LeRoy Pernell et al. v. Robert Andrade et al.	District and Division: Northern District of Florida (Tallahassee Division) Name of Judge: Hon. Mark E. Walker Nature of Suit: 448: Civil Rights Education Date Complaint Filed: August 18, 2022 District Court Docket Number: 4:22-cv-304 Date Notice of Appeal Filed: February 28, 2023 <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action Has this matter previously been before this court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide (a) Caption: Pernell et al. v. Lamb et al. (b) Citation: (c) Docket Number: 22-13992
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For Appellant: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	Attorney Name See attached addendum.	Mailing Address	Telephone, Fax, Email
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For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	See attached addendum.
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Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>Denying legislative privilege in part</u>	Amount Sought by Plaintiff: \$ <u>N/A</u> Amount Sought by Defendant: \$ <u>N/A</u> Awarded: \$ <u>N/A</u> to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
What is the issue you claim is one of First Impression? The scope of the legislative privilege and whether it is absolute in civil cases.
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☐ No
If Yes, provide
(a) Case Name Pernell et al. v. Lamb et al.
(b) Citation _____
(c) Docket Number if unreported 22-13992
(d) Court or Agency U.S. Court of Appeals for the Eleventh Circuit
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether the district court abused its discretion in holding that the legislative privilege protects the deliberative process and yields in part to the important federal interests presented in this case.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 24th DAY OF March, 2023.Jerry C. Edwards

NAME OF COUNSEL (Print)

/s/ Jerry C. Edwards

SIGNATURE OF COUNSEL

ADDENDUM

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